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In re Application of
AL-SHEIKH, ZAHER
Application No. 09/694,530
Filed: October 23, 2000
For: **METHOD FOR VERIFYING THE
IDENTITY OF A PASSENGER**

MAIL

JUL 05 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

**DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT**

This is a decision on the petition filed October 22, 2004, requesting withdrawal of the holding of abandonment of the above-identified application.

The above-identified application became abandoned due the applicant's failure to timely respond to the final Office action mailed December 31, 2003. A Notice of Abandonment was mailed August 25, 2004.

Petitioner asserts that a proper response in the form of a Request for Continued Examination (RCE) was timely filed on May 21, 2004 with two months extension of time. In support of the petition, petitioner submits a copy of Express Mailing Label No. EV435303793US showing a "date in" of May 21, 2004 and a copy of a RCE with the same Express Mailing Label number thereon.

The filing of papers and fees by Express Mail is covered by 37 C.F.R. § 1.10. 37 C.F.R. 1.10(e) states:

"Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Commissioner to consider such correspondence filed in the Office on the USPS deposit date, provided that:

- (1) the petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;
- (2) the number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";

(3) the petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(30) of this section that the requested filing date was the date the correspondence was deposited in the "Express mail Post Office to Address" service prior to the last scheduled pickup for that day; and

(4) the petition includes a statement which establishes, to the satisfaction of the Commissioner, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS."

The petition complies with the requirements set forth above.

For the reasons stated above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file will be forwarded to the Technology Center's technical support staff for processing the RCE and petition for two month's extension of time. From there, the file will be forwarded to the examiner for further action in due course.


Kenneth A. Wieder
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Communications